

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ESTATE OF  
ROGER D. OWENSBY, JR.,

Plaintiff,

v.

CITY OF CINCINNATI, et al.,

Defendants.

Case No. 01-CV-769

Senior Judge S. Arthur Spiegel

**ORDER**

For good cause shown and there being no objection thereto, the Motion to Establish the Qualified Settlement Fund and appoint a Fund Administrator is granted. It is ordered that:

1. The Owensby Qualified Settlement Fund is established as a qualified settlement fund within the meaning of Treasury Regulation 1.468B-1;
2. Karen Diane Meyers, MBA/JD, MEd, CPCU, CLU, FLMI, CSSC of KD Meyers & Associates, PSC, is appointed as Administrator of said Fund;
3. All civil liability of Defendants related to the injury and death of Roger D. Owensby, Jr. arising out of decedent's stop, arrest, and death on November 7, 2000, including claims for 42 U.S.C. § 1988 attorneys fees, expenses and costs, are extinguished and completely discharged and released once:
  - a. The Owensby Qualified Settlement Fund is established;
  - b. The Hamilton County Probate Court authorizes Roger Owensby, Administrator of the Estate of Roger D. Owensby, Jr., to execute a settlement and release of all

- claims against the Cincinnati Defendants;
- c. The agreed upon amount of \$4,000,000.00 is paid into the Fund; and,
  - d. The Cincinnati Defendants also have paid the agreed amount of \$2,500,000.00 into the trust account of Helmer, Martins, Rice & Popham, Co., LPA, in satisfaction of all claims for 42 U.S.C. § 1988 attorneys fees and costs.
4. Said payment of \$4,000,000.00 from Defendants shall be made into the Owensby Qualified Settlement Fund on or before May 1, 2006.
  5. The Fund shall acknowledge the receipt of the \$4,000,000.00 in a writing addressed to all signatories of this Motion within five days of receiving said amount. The Fund shall be invested in government money market funds unless otherwise ordered by this Court.
  6. The Fund is authorized to enter into agreements with appropriate persons, including the use of settlements with periodic payments upon obtaining an order of the Hamilton County Probate Court, or its successors and assigns in interest regarding distribution.
  7. The Fund is authorized to make distribution of the proceeds in compliance with the orders of the Hamilton County Probate Court.
  8. The Fund is authorized to effect qualified assignments of any resulting periodic payment liability within the meaning of Section 130(c) of the Internal Revenue Code to the qualified assignee.
  9. The Fund is ordered to: pay any taxes as they become due from the earnings on the Fund; file any required tax returns as they become due, and, file a final distribution report with the Court terminating the Fund once all matters are resolved with the Hamilton County Probate Court.
  10. Said payment of \$2,500,000.00 shall be paid into the trust account of Helmer, Martins, Rice & Popham, Co., LPA on or before May 1, 2006.

11. This Court retain jurisdiction over this case for the purpose of enforcing this settlement.

IT IS SO ORDERED.



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S. Arthur Spiegel  
United States District Court